

TEN TIPS WHEN REVIEWING FINAL SUBDIVISION PLATS

By

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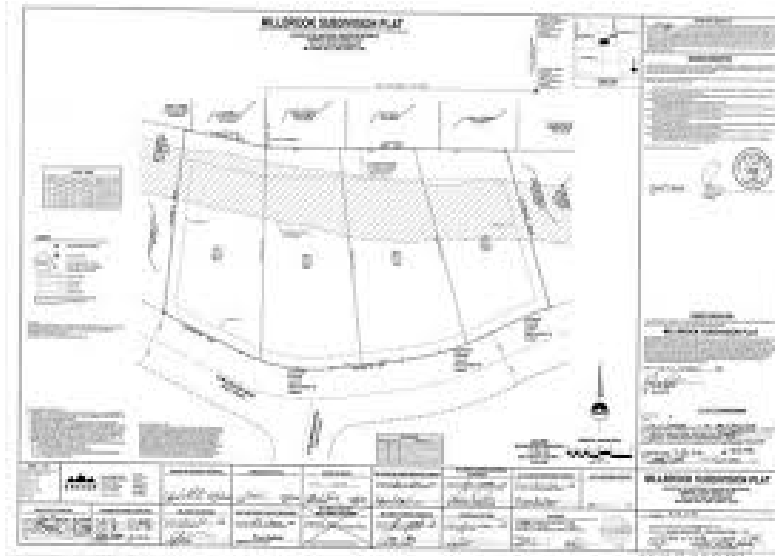
Introduction

Utah law, found in the Utah Land Use Development and Management Act, Title 10 Chapter 9a [municipalities] Title 17 Chapter 27a [counties] (collectively “LUDMA”)¹ makes cities and counties the gatekeeper for the division of land within their jurisdiction. Given this, the buck stops at the desk of the City or County Attorney who must review, approve, and sign all final subdivision plats before they are recorded and become effective. Unfortunately, there is no owner’s manual for this role. The purpose of this paper is to provide you with what I believe an owner’s manual should look like.

Many, many, years ago I was a City Attorney for Park City. When I arrived, fresh from law school and a judicial clerkship, back in the 1980’s, I was given the job of reviewing and approving subdivision plats. At that time Deer Valley was being built. There were many plats to review, all of which developers

¹ LUDMA prohibits the sale of any subdivided land “before a plat of the subdivision has been approved and recorded.” UCA §§ 10-9a-611(1)(a)(i) & 17-27a- 611(1)(a). A metes and bounds description in the conveying instrument does not render such a prohibited transaction valid. *Id.* at §-611(1)(b). Nevertheless, such a violation on the part of the seller “does not affect the validity of the instrument” conveying the property, nor does it affect “whether the property ... [conveyed] complies with applicable ordinances.” *Id.* at §-611(1)(c). The city or county “may bring an action against an owner to require the property to conform to the applicable law. *Id.* at § 611(2)(a). Such an action may include “and injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin or abate the violation. *Id.* at §§611(2)(b). The city or county “need only establish the violation to obtain [an] injunction.” *Id.* at §611(2)(c).

wanted approved as quickly as possible. Then, as now, no plat, no lot sales. This was a textbook example of learning through experience. I suppose many here today had much the same experience.



Typical Subdivision Plat

Tip 1: Know Your Ordinances

The general parameters provided by State enabling law, LUDMA Title 10 Chapter 9a (Municipalities), Title 17 Chapter 27c (Counties), result in sophisticated municipalities and counties having detailed ordinances governing the subdivision process. Having intimate knowledge of your jurisdiction’s ordinances governing subdivision and land use is a critical first step to final plat review.

Tip 2: Know LUDMA

LUDMA mandates that, unless exempt under UCA §§ 10-9a-605 or 17-27a-605 or excluded under the definition of “subdivision” under UCA §§ 10-9a-103(64) or 17-27a-103(71)(c), “whenever any land is laid out and platted, the owner of the land shall provide an accurate plat” describing or specifying the following information:

- a. a subdivision name that is distinct from any subdivision name on a plat already recorded in the county recorder's office;
- b. the boundaries, course, and dimensions of all of the parcels of ground divided, by their boundaries, course, and extent, whether the owner proposes that any parcel of ground is intended to be used as

- a street or for any other public use, and whether any such area is reserved or proposed for dedication for a public purpose;*
- c. the lot or unit reference, block or building reference, street or site address, street name or coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale; and*
 - d. every existing right-of-way and easement grant of record for underground facilities, as defined in Section 54-8a-2, and for other utility facilities.*

UCA §§ 10-9a-603(1) & 17-27a-603(1).

The owner must acknowledge the plat before a notary (or other officer authorized to take such acknowledgements) and must obtain the signatures of various officials before the plat may be considered for approval, UCA §§ 10-9a-603(5) & 17-27a-603(5). The surveyor making the plat is required to certify that he or she holds a valid license, has completed a proper survey of the property the plat depicts, and has placed monuments as represented on the plat. UCA §§ 10-9a-603(5)(b) & 17-27a-603(5)(b). In addition, “to the extent possible,” the surveyor “shall consult with the owner or operator” of existing or proposed underground and utility facilities within the proposed subdivision to verify the surveyor’s depiction on the plat of

- *the boundaries, courses, dimensions, and intended uses of any recorded servitudes; and*
- *the location and physical restrictions governing existing underground and utility facilities.*

UCA §§ 10-9a-603(5)(c) & 17-27a-603(5)(c).

LUDMA requires a city or county to approve a plat which “conforms to the [city or county] ordinances and [part 6 of the LUDMA]” if such plat has been approved by the culinary water and sanitary sewer authorities, and the local health department. UCA §§ 10-9a-603(2)(a) & 17-27a-603(2)(a). The city or county may withhold such approval, however, even for a valid, conforming plat, until the owner provides the city or county “with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.” UCA §§ 10-9a-603(3) & 17-27a-603(3).⁸

Tip 3: Have and Know How to Read a Title Report

Every Plat should arrive on our desk with an up-to-date title report for the land embraced in the Plat. Reading and understanding the title report is critical. If the dedicator on the plat does not own the land or if there are liens on the land the Plat may fail its most basic purpose. If there are liens on the plat the lienholders must sign and either dedicate or release their lien on the dedicated land.

Tip 4: Know Your Approval Process

The process of plat approval has been greatly simplified by the LUDMA. UCA §§ 10-9a-604(1) & 17-27a-604(1) provide that a subdivision plat may not be recorded unless, first, (a) the local government has signed it, (b) each owner of record of land described on the plat has signed the owner's dedication, and (c) each owner's signature has been properly acknowledged, *id.* at §-604(1)(a) (citing §-603(5)(a)), and second, the plat has been approved by the local Land Use Authority and signed by all of the officers designated by local ordinance. *Id.* at §-604(1)(b) & (c). A plat recorded without all the required signatures is entirely void, and any transfer of property based upon such a void plat is voidable. *Id.* at 604(2) & (3).

Although LUDMA simplifies the approval process in theory, bear in mind that plat preparation is only one step in a multi-step process of subdivision approval. Generally, the approval process will include at least the following steps:

1. An informal meeting with planning staff;
2. Preliminary Plat Submission;
3. A work session with the Planning Commission or relevant land use authority;
4. Formal Action by the Planning Commission or relevant land use authority;
5. Formal Action by the City Council or County Commission;
6. Submission of Final Plat
7. Approval by Planning Commission or City Council
8. City or County Engineer Review; and
9. City or County Attorney Review.

Many cities and counties have additional steps, *e.g.*, submission of sketch and/or preliminary plats. It should also be remembered that subdivisions are often only one facet of the land use approval process. Other approvals such as a master plan approval may also be necessary. Once again, consulting the particular entity involved is an absolute necessity.

In any event, however, once a plat has been properly acknowledged, certified, and approved by all necessary parties or representatives, the owner must, "within the time period and manner designated by ordinance," record the plat in the county recorder's office for the county where the platted lands lie. UCA §§ 10-9a-603(6)(a) & 17-27a-603(6)(a). Should the owner fail to record within the required time period, the plat becomes voidable. *Id.* at §-603(6)(b). It is typical, however, for the city or county approving the plat to make arrangements for the conveyance of a completed plat to the county recorder.

Tip 5: *Understand and Respect Dedication by Subdivision Plat*

A properly made, acknowledged, and recorded plat “operates ... as a dedication of all public streets and other public places,” vesting the fee in such parcels in the city or county “for the uses named or intended” in the plat. UCA §§ 10-9a-607(1) & 17- 27a- 607(1). This section grants a determinable fee to the city or county in the platted streets and other public places. Typically, if streets are to be private, they are shown on plat. If a public street is vacated or not used, a reversion will automatically occur, see *Falula Farms, Inc. v. Ludlow*, 866, P.2d 569 (Utah App. 1993), the fee vesting in whoever held the land prior to the dedication, or their successor(s) in interest.

The LUDMA also specifies that the dedication of unimproved public streets and other public places “does not impose liability upon the [municipality or county]” for them. *Id.* at §-607(2). This language is a response to *Cox v. Utah Mortg. and Loan Corp.*, 716 P.2d 783 (Utah 1986), wherein the Utah Supreme Court found that Pleasant Grove City had a duty under former enabling law to bring about a completion of the improvements in the streets. Whether current statutory language erases this duty entirely is as yet unknown. Changes in the Governmental Immunity Act may also help shield local governments. Plainly, this uncertainty renders this area ripe for a new case.

Tip 6: *Dedication Language is Important*

Over the years I have seen some pretty obtuse dedication language on subdivision plats. The dedication language needs to be short, simple, and clear. Here is the recommended language in the Utah Council of Land Surveyors Final Subdivision Plat Guidance Document/Model Standard, adopted in 2021. A complete copy is found in **Appendix C**.

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels, and streets, together with easements as set forth to be hereafter known as (Name of Subdivision/Plat) and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owner hereby conveys to any and all public utility companies a perpetual, nonexclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owners also hereby convey any other easements as shown and/or noted on this plat to the parties indicated and for the purposes shown and/or noted hereon.

Tip 7: Understand Common Areas

Areas designated as common areas on a properly approved and recorded plat may not, under the provisions of the LUDMA, be separately owned, conveyed, or modified independent of the other parcels created by the plat. UCA §§ 10-9a-606(2) & 17-27a-606(2). This provision ensures that “common” areas remain “common” and do not pass into the hands of those whose deeds happen to recite the conveyance of an interest in the “common” along with the private parcel conveyed.

LUDMA is quite particular, in fact, mandating that, for a plat containing a common area or facility, any “instrument describing a parcel on the plat by the parcel's identifying plat number implicitly includes the ownership interest in the common area or common area and facility, even if that ownership interest is not explicitly stated in the instrument.” UCA §§ 10-9a-606(4)(b) & 17-27a-606(4)(b). And the same is true of taxability: “[F]or purposes of assessment, each parcel that the plat creates has an equal ownership interest in the common area or common area and facility within the plat, unless the plat or an accompanying recorded document indicates a different division of interest for assessment purposes.” UCA §§ 10-9a-606(4)(a) & 17-27a-606(4)(a).

Tip 8: Know the Technical Specifications of Subdivision Plats

See **Appendix C**, Utah Council of Land Surveyors Final Subdivision Plat Guidance Document/Mode Standard.

Tip 9 Create a Plat Review Checklist

See a sample checklist attached as **Appendix A**.

Tip 10 Bonus Materials Plat Amendment, Vacation & Name Change

[Illegible text]

A petition “to have some of all or part of ... [a] plat vacated or amended” may be filed by any “fee owner of land ... in a subdivision that has been laid out and platted” Utah Code §10-9a-608(1)(a), §17-27a-608(1)(a). A petition must include “the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition,” Utah Code §10-9a-

608(4)(a), §17-27a-608(4)(a) and the signatures of all such owners who consent to the petition, Utah Code §10-9a-608§-608(4)(b), §17-27a-608(4)(b).

Action on Petition

When a petition is filed, and either (i) an owner within the plat objects within 10 days of notification or (ii) “all of the owners in the subdivision have not signed the revised plat,” the land use authority must hold a duly noticed public hearing² within 45 days “after the day on which the petition is filed.” Utah Code §10-9a-608(1)(d), § 17-27a-608(1) (d). In addition, the land use authority must provide notice of the petition to each affected entity providing service to an owner of record of the portion of the plat being vacated or amended “by mail, email, or other effective means at least 10 calendar days before the land use authority may approve the vacation or amendment.” Utah Code §10-9a-608 (1)(c), § 17-27a-608(1)(c).

Following the duly noticed public hearing, if satisfied that there is good cause for the proposed vacation or amendment and no public street or municipal utility easement will be vacated or amended, the land use authority may approve the vacation or amendment. Utah Code §§ 10-9a-609(1) & 17-27a-609(1).³ The amended plat must be recorded in the office of the county recorder, Utah Code §10-9a-609(2)(a), §17-27a-609(2)(a) before which it must be signed by the LUA and “signed, acknowledged, and dedicated” by each owner of record of the portion of the plat amended. Utah Code §10-9a-609(4), §17-27a-609(4). However, the petitioner must expect to foot the bill for the preparation of an amended plat showing the changes.

Street Vacation In Lieu of Plat Amendment

“In lieu of vacating some or all of a public street through a plat or amended plat . . .,” on the other hand, “a legislative body may approve a petition to vacate a public street” Utah Code 10-9a-609.5(1) §17-27a-609.5 (1)

See Utah Code 10-9a-609.5 and §17-27a-609.5 for this procedure.

² UCA §§ 10-9a-207 & 17-27a-207 “Notice for an amendment to a subdivision – Notice for vacation of or change to street.”

³ Note, however, that “[a] legislative body may vacate a subdivision or a portion of a subdivision by recording in the county recorder’s office an ordinance describing the subdivision or the portion being vacated.” UCA §§ 10-9a-609(3)(a) & 17-27a-609(3)(a). No mention is made of notice or hearing.

Protection of Solar and Energy Devices

Interestingly, the Act permits a land use authority to refuse to approve or renew any plat or subdivision, or any sort of dedication, if it contains any sort of restriction or prohibition against “reasonably sited and designed solar collectors, clotheslines, or other energy devices based on renewable resources.” UCA §§ 10-9a-610 & 17-27a-610.⁴

Vacating a Street or Alley



Vacated Main Street between North & South Temple Likely them most controversial street vacation of all time.

⁴ It's rather odd to hear “clotheslines” called “energy devices based on renewable resources,” but of course, that’s precisely what they are.

If a petition is submitted seeking to vacate part or all of any public street or municipal utility easement, the legislative body must, first, provide notice as required by UCA §§ 10-9a-208 & 17-27a-208. That done, a public hearing is held, whereupon, “if good cause exists for the vacation and neither the public interest nor any person will be materially injured by the vacation,” UCA §§ 10-9a-609.5(2) & (3) & 17-27a-609.5(2) & (3), the legislative body may, by ordinance, vacate some or all of a public street, right-of-way, or easement. The legislative body shall ensure that the plat or ordinance is recorded in the county recorder’s office. UCA §§ 10-9a-609.5(5) & 17-27a-609.5(5).

Codifying relevant case law, the Act provides that:

The action of the legislative body vacating some or all of a public street or municipal utility easement that has been dedicated to public use[] operates to the extent to which it is vacated, upon the effective date of the recorded plat or ordinance, as a revocation of the acceptance of and the relinquishment of the municipality's fee in the vacated public street or municipal utility easement; and [] may not be construed to impair: (i) any right-of-way or easement of any lot owner; or (ii) the rights of any public utility.

UCA §§ 10-9a-609.5(6) & 17-27a-609.5(6).

Changing the Subdivision Name

“The name of a recorded subdivision may be changed,” the LUDMA provides, UCA §§ 10-9a-608(6)(a) & 17-27a-608(6)(a), “by recording an amended plat making the change.” The process is as described above for any other vacation or amendment, and, as with any other plat, the responsible surveyor must certify that he or she holds a valid license, has completed a proper survey of the property the plat depicts, and has placed monuments as represented on the plat. UCA §§ 10-9a-608(6)(b) & 17-27a-608(6)(b) (cf. UCA §§ 10-9a-603(5)(b) & 17-27a-603(5)(b)). Obviously, a plat cannot be amended to give a subdivision the same name as another recorded subdivision. UCA §§ 10-9a-608(6)(c) & 17-27a-608(6)(c). A document filed to change the name of a recorded plat is void if it does not comply with the provisions of the LUDMA. *Id.* at §-608(6)(d).

APPENDIX A

(Final Plat Application Requirements Checklist)

FINAL PLAT APPLICATION REQUIREMENTS/CHECKLIST

- FINAL PLAT: The Final Plat prepared at a scale of not less than one (1) inch equals one hundred (100) feet with all dimensions shown in feet and decimals thereof will be required for final approval prior to recordation. Plats of large areas may be prepared on multiple, serially numbered sheets with match lines and an index map with vicinity and index maps appearing on the first of the serially numbered sheets. Final Plats must show trails, roads, sidewalks and other public facilities which will be deeded to the City in accordance with the requirements of this Title. The City shall provide a set of standard cross sections for roads, trails and sidewalks. The Final Plat submission must conform in all major respects to the Preliminary Plat as previously reviewed and approved by the Planning Commission or City Council as applicable (unless processed simultaneously). Final Plat submissions shall include all information listed below, delineated in permanent ink on waterproof tracing cloth or Mylar for recordation (which can be submitted after the City Council grants final approval) and submitted in an electronic format:
 - A title block showing the name of the proposed subdivision and its location by quarter-quarter section, section, township, range, principal meridian, city, county and state;
 - The name, address, telephone number, stamp, signature and registration number of a land surveyor registered in the State of Utah who prepared or reviewed the final plat;
 - A north point and both graphic and written scales;
 - A high-quality vicinity map that locates the proposed subdivision within its Township and the section, shows major roads and watercourses adjacent to or near the subdivision and shows the boundaries and recorded names of adjacent or nearby subdivisions;
 - The point of beginning for the survey, which shall be tied to a section or quarter-section corner, and the location and a description of all existing monuments found during the course of the survey;
 - The location, nature and boundaries, with bearings and distances, of all existing public ways and public or private easements in or adjacent to the subdivision, including the county book and page number references of the instruments establishing those ways or easements;
 - The exterior boundaries of the subdivision, with all bearings and distances, including curve data for curving boundaries;
 - The location, exterior dimensions and consecutive number of all lots and blocks or other parcels created by the subdivision, including bearings and distances and curve data for curving boundaries (with all curve dimensions for boundary lines shown outside any such boundaries);
 - That the table of plat calculations include the following:
 - Total acreage
 - Total acreage in lots
 - Total open space
 - Total improved open space
 - Average lot size (acreage & sq. footage)
 - Largest lot size
 - Smallest lot size
 - Overall density
 - Total # of lots
 - The names (dissimilar from existing streets) of all streets and widths and boundaries of all street and trail rights-of-way and utility easements, including bearings and distances and curve data for curving boundaries;

- The location and a description of all monuments set during the course of the survey;
 - A signed and dated owner's dedication in the form approved by the City which includes a complete legal description of the parcel being subdivided, and in which the owners of record dedicate all open space, public ways, utilities and other public spaces to public use;
 - A public notary's acknowledgment of the owner's certificate;
 - A signed and dated certificate of consent in which all mortgagors, lien holders and other parties with any real property interest, including the holders of mineral rights, in the property consent to its subdivision;
 - A public notary's acknowledgment of the certificate of consent;
 - Signature blocks for approval by the City Council, City Engineer and City Attorney;
 - An owner's dedication certificate, notary public acknowledgement for each signature on the plat, a correct metes and bounds description of all property included within the subdivision, other affidavits, certificates, acknowledgements, endorsements and notarial seals as required by law, this Title or by the City Recorder or City Attorney;
 - Building envelopes for each lot shall be shown on the final plat;
 - Water rights conforming to the City's requirements shall be submitted to the City Attorney for approval.
- EASEMENTS: The proposed grants of easement to be imposed on any land within the development.
- US POSTAL SERVICE LETTER & PLAN: An acknowledgement letter from the US postal Service stating that they were involved with the mail-delivery design and are satisfied with the proposed project, and a plan showing the location of proposed neighborhood delivery & collection box units. (Contact: Lehi Area Post Office, 333 East Main Street Lehi, UT 84043-9998, 801-766-1572)
- SOILS / GEOTECHNICAL REPORT: One (1) paper copy of a soils report prepared and stamped by a Licensed Engineer.
- WATER RIGHTS: Water right documentation showing availability of water rights sufficient to serve the development or acknowledgement in the form of a signed letter that applicant intends and commits to purchase water from the City.
- FEE: The processing fee of \$400.00 plus \$95.00 per lot shall be paid in full.
- All street names shall be shown.
 - Show typical roadway cross sections.
 - The existing grade elevations shall be shown in the profile.
 - Construction standards and specifications shall be referenced.
 - Road signs and stop signs shall be shown.
 - Mailboxes and gang boxes shall be shown.

APPENDIX B

(Utah Council of Land Surveyors Final Subdivision

Plat Guidance Document/ Model Standard)

Utah Council of Land Surveyors

Final Subdivision Plat Guidance Document/Model Standard

(Approved by the Standards and Ethics Committee of the Utah Council of Land Surveyors 2021 revisions August 26, 2021)
(Adopted by the Executive Board of the Utah Council of Land Surveyors September 11, 2021)

1. Intent

The intent of this document is to provide guidelines and a model standard for Professional Land Surveyors and other land use professionals regarding the laws, ordinances and requirements for the preparation and recording of subdivision plats in the State of Utah.

2. The purposes of a subdivision plat

A final subdivision plat is used to create legal divisions of land in compliance with state law and local ordinances. Lots are created simultaneously, resulting in no junior or senior rights between lots contained within the boundaries of the plat. The final plat can formally dedicate to the public new roads and easements, and to dedicate or convey any other interests as may be required. Lettered parcels may also be created for specific purposes, which do not possess the same rights as lots in the subdivision. The approved final subdivision plat recorded in the office of the county recorder is the culmination of the review and approval process by the applicable governing entity (city or county).

3. State Code

Lands to be subdivided which are located within the boundaries of city or towns incorporated under **Utah Code–Title 10–Chapter 2** are governed in accordance with **Utah Code 10-9a - Municipal Land Use, Development, and Management Act**.

Per Utah Code 10-9a-603. Plat required when land is subdivided – Approval of plat --Owner acknowledgment, surveyor certification, and underground utility facility owner verification of plat- Recording plat.

(1) Unless exempt under Section **10-9a-605** or excluded from the definition of subdivision under Section **10-9a-103**, whenever any land is laid out and platted, the owner of the land shall provide an accurate plat ...

Lands to be subdivided which are located in un-incorporated areas of the county are governed in accordance with **Utah Code 17-27a - County Land Use, Development, and Management Act**.

Per Utah Code 17-27a-603. Plat required when land is subdivided – Approval of Plat -- Owner acknowledgment, surveyor certification, and underground utility facility owner verification of plat -- Recording plat.

(1) Unless exempt under Section **17-27a-605** or excluded from the definition of subdivision under Section **17-27a-103**, whenever any land is laid out and platted, the owner of the land shall provide an accurate plat...

4. Local Ordinances

The subdivision and platting requirements are outlined in **Utah Code 10-9a - Municipal Land Use, Development, and Management Act** and in **Utah Code 17-27a - County Land Use, Development, and Management Act**. The authority of cities and counties to adopt their own land use standards is identified in **Utah Code 10-9a-104. Municipal Standards** and in **Utah Code 17-27a-104. County Standards**.

- (1) This chapter does not prohibit a municipality [county] from adopting the municipality's [county's] own land use standards.
- (2) Notwithstanding Subsection (1), a municipality [County] may not impose a requirement, regulation, condition, or standard that conflicts with a provision of this chapter, other state law, or federal law.

It is essential to become familiar with the specific subdivision and platting processes of the particular municipality or county in which the proposed subdivision is located. Prior to final approval from the governing body, the approval of various other governmental entities, officers, boards or commissions may also be required. These processes will vary from city to city and from county to county.

5. Map of Boundary Survey (Record of Survey)

The early determination of the exterior boundaries of the proposed final subdivision plat and the parcel(s) to be subdivided is/are essential to the subdivision and plat approval process. **Utah Code 10-9a-603(5)(b)(i-iii)** and **Utah Code 17-27a-603(5)(b)(i-iii)** require that a survey of the property described on the subdivision plat be performed in accordance with Section **17-23-17**. The Record of Survey (ROS) will identify boundary conflicts which may require the participation of an adjoining landowner and/or title/legal issues which need to be resolved prior to final plat approval. Additionally, the ROS in conjunction with a final subdivision plat should identify the following:

- Existing easements of record
- Observable evidence of unrecorded easements or rights
- Connecting or abutting public or private streets, rights-of-way, public and private easements.
- Appurtenant easements that serve the subject property or facilitate adjoining properties
- New easements outside the boundaries of the subject property which may be needed to serve the proposed subdivision.

An ALTA/NSPS Land Title Survey of the subject property may also meet the foregoing Record of Survey requirements and recommendations.

6. Plat Naming Convention

The name used to identify the final subdivision plat is an important element, yet one that is often given minimal consideration by the surveyor and/or the client. **Utah Code 10-9a-603(1)(a)** and **Utah Code 17-27a-603(1)(a)** require simply, “a subdivision name that is distinct from any subdivision name on a plat recorded in the county recorder's office.”

The surveyor should check with the County Recorder to ensure that the proposed subdivision name has not already been used.

In order to avoid confusion, the use of names which are overly similar to existing subdivision names should be avoided. Multiple phases with the same subdivision name should be identified as “Phase 1, Phase 2 or No. 1, No. 2” and so forth. It is recommend that lots within different phases of the same subdivision be numbered sequentially without regard to phase lines, or may be distinctly numbered as 101, 102, 103 in Phase 1, 201, 202, 203 in Phase 2, 301, 302, 303 in Phase 3 and so forth.

Include Quarter Section, Section, Township and Range, Salt Lake Base & Meridian (Uintah Special Meridian, or City plat, if applicable), and name of the governing agency along with the subdivision name.

7. Surveyor's Certificate

As with other types of surveys, a Professional Land Surveyor preparing a final subdivision is required to certify his or her work.

Professional Land Surveyor is defined in **Utah Code 58-22 - Professional Engineers and Professional Land Surveyors Licensing Act** as follows:

58-22-102(12) "Professional land surveyor" means an individual licensed under this chapter as a professional land surveyor.

The terms, "Registered Land Surveyor, Licensed Land Surveyor, or Land Surveyor do not appear as legal terms under Utah State Code, and therefore should not be used.

The requirement for a surveyor's certificate is outlined in **Utah Code 10-9a-603 and 17-27a-603**.

(5)(a) A county recorder may not record a plat unless: [County], subject to Subsection 17-27-604(1):

(b) The surveyor making the plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; and

(iii) has placed monuments as represented on the plat.

An example of a Surveyor's Certificate for a final subdivision plat is shown below:

SURVEYOR'S CERTIFICATE

I, NAME OF PROFESSIONAL LAND SURVEYOR, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. _____, in accordance with Title 58, Chapter 22, of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements, and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as NAME OF SUBDIVISION AND PHASE NUMBER IF APPLICABLE and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

The Surveyor's Certificate will state the intent of the subdivision plat such as, "and have subdivided said tract of land into lots and streets, together with easements, hereafter to be known as." It is important to revise the Surveyor's Certificate as may be applicable; when a subdivision does not include streets, or includes public and private streets, includes lettered parcels, etc.

A reference to the filed record of survey upon which the boundaries of the proposed subdivision were based, as filed in the office of the County Surveyor, should be noted on the plat or included as part of the Surveyor's Certificate.

It is important to note that although there is often additional information required to be shown on the subdivision plat by various approving entities, such as locations of fire hydrants and streetlights, information contained in seismic studies or geotechnical reports or other non-survey related information, the Professional Land Surveyor is not certifying as to the accuracy of these items. These items should be noted on the subdivision plat for information only.

8. Owner's Dedication and Consent to Record

The owner's dedication on a recorded subdivision plat serves, "as a dedication of all streets and other public places, and vests the fee of those parcels of land in the municipality (or county) for the public for the uses named or intended on the plat" [see (10-9A-607(1) and 17-27a-607(1)].

The requirement for the Owner's Dedication is outlined in **Utah Code 10-9a-603 and 17-27a-603**.

(4)(a) A plat may not be submitted to a county recorder for recording unless, [subject to Subsection 17-27a-604(2)]:

- (i) prior to recordation, each owner of record of land described on the plat has signed the owner's dedication as shown on the plat; and
- (ii) the signature of each owner described in Subsection (4)(a)(i) is acknowledged as provided by law.

The Owner's Dedication and Consent to Record should specifically address the types of dedications, conveyances, or easements included and created as a result of the recorded subdivision plat. Additional language is needed in the Owner's Dedication and Consent to Record to clarify the intent of the plat. The following owner's dedication is a preferred example:

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all men by these presents that the undersigned are the owners of the above described tract of land, and hereby cause the same to be divided into lots, parcels and streets, together with easements as set forth to be hereafter known as

(Name of Subdivision/Plat)

and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. *The undersigned owner hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owners also hereby convey any other easements as shown and/or noted on this plat to the parties indicated and for the purposes shown and/or noted hereon.*

Any other easements shown on the plat should specify to whom the easement(s) is/are being conveyed, and for what purpose i.e. "20 foot wide Storm Drain Easement hereby conveyed to (NAME OF CITY or COUNTY). Alternatively the owner's dedication needs to specifically

address each easement shown on the face of the plat. The words “hereby conveyed” or “hereby dedicated” should be used in lieu of “to be conveyed” or “to be dedicated” to avoid confusion.

The Owner’s Dedication is to be signed by all owners of record. Some jurisdictions may also require any person or entity having an ownership interest, such as lenders, to sign the Owner’s Dedication or a separate Consent to Record document. The signature line for each owner shall include the name of the owner, title or representative capacity, if any. For example, John Doe may sign as an individual, John Doe as President of XYZ, Incorporated, John Doe as Managing Member of Doe Head, LLC, John Doe as Trustee of the John and Jane Doe Trust, and so forth.

9. Acknowledgments

The signature of each owner shown on the plat or on a separate Consent to Record document must be acknowledged by a Notary Public. The acknowledgment may be in the long form with specific language relating to each type of ownership such as an Individual, Corporation, Trust, Limited Liability Company, or Partnership. Alternatively, a more generic acknowledgement known as "Statutory Short Form of Acknowledgment" may be used as shown in **Utah Code 57-2a-7. Form of Acknowledgment.**

Utah Code 46-1-16 outlines the requirements of Notary Publics as it pertains to the official signature, official seal and seal impression. Each document to be submitted for recordation must be signed by the Notary Public, and typically must be sealed with the Official seal of the Notary Public. **It is recommended that the Notary’s official seal be excluded from annexation, subdivision, or other maps or plats to avoid smearing and smudging the ink from the Notary’s seal. The Notary’s official seal may be eliminated, subject to the following to the requirements contained in 46-1-16(7).**

- (7) Except for a notarial certificate that is completed as part of a remote notarization, a notarial certificate on an annexation, subdivision, or other map or plat is considered complete without the imprint of the notary's official seal if:
 - (a) the notary signs the notarial certificate in permanent ink; and
 - (b) the following appear below or immediately adjacent to the notary's signature:
 - (i) the notary's name and commission number appears exactly as indicated on the notary's commission;
 - (ii) the words "A notary public commissioned in Utah"; and
 - (iii) the expiration date of the notary's commission.

An example of the "Statutory Short Form of Acknowledgment" combined with **Utah Code 46-1-16** is shown below.

State of _____)
: ss
County of _____)

The foregoing instrument was acknowledged before me this (date) by (person acknowledging, title or representative capacity, if any).

(Signature of Person Taking Acknowledgment)

Notary Public Name: _____
Commission Number: _____
My commission expires: _____

A Notary Public Commissioned in Utah

10. Approval Blocks

Prior to recordation of a final subdivision plat, final approval will be required from the governing body along with the approval of various other officers, entities, boards, commissions, utility companies, culinary water and sanitary sewer districts, and/or other special service districts. These will vary by district, city and county. Approval blocks with signatures for some, or all of those officers and entities may be required to be shown on the plat.

The approval blocks and signatures required on the plat are designated by the municipality, as stated in **Utah Code 10-9a-604(1)** or as designated by the County, as stated in **Utah Code 17-27a-604(1)**.

- (b) the plat has been approved by:
 - (i) the land use authority of the municipality [county] in which the land described in the plat is located; and
 - (ii) other officers that the municipality [county] designates in its ordinance; and
- (c) all approvals described in Subsection (1)(b) are entered in writing on the plat by the designated officers.
- (d) if the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Title 57 Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.

While many municipalities within the same county may have similar requirements when it comes to approval blocks, there are differences nonetheless. It is important to contact the specific municipality or county for the specific requirements of that entity. Do not assume that the approval blocks required in one municipality or county will be the same in a neighboring municipality or county. The Professional Land Surveyor should make certain that the approval and signature blocks included are the appropriate blocks required by the particular municipality or county in accordance with current ordinances and requirements. It is important to contact the specific city or county for the specific requirements of that entity.

10-9a-603 and 17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner acknowledgment, surveyor certification, and underground utility facility owner approval of plat -- Recording plat.

(2)(a) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's [County's] ordinances and this part and has been approved by the culinary water authority and the sanitary sewer authority, and the local health department, defined in Section 26a-1-102, if the local health department and the municipality consider the local health department's necessary, the municipality [county] shall approve the plat.

(b) Municipalities [Counties] are encouraged to receive a recommendation from the fire authority and the public safety answering point before approving a plat.

(3) The municipality [county] may withhold an otherwise valid plat approval until the owner of the land provides the legislative body with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(5)(a) A county recorder may not record a plat unless: [(county)],subject to Subsection 17-27a-604(1):

(c)(i) To the extent possible, the surveyor shall consult with the owner or operator of an existing or proposed underground facility or utility facility within the proposed subdivision, or a representative designated by the owner or operator, to verify the accuracy of the surveyor's depiction of the;

(A) boundary, course, dimensions, and intended use of the public rights-of-way, public or private easement, or grants of record;

(B) location of an existing underground facility and utility facility; and

(C) physical restrictions governing the location of the underground facility and utility facility within the subdivision.

(ii) The cooperation of an owner or operator under Subsection (54)(c)(i):

(A) indicates only that the plat approximates the location of the existing underground and utility facilities but does not warrant or verify their precise location; and

(B) does not affect a right that the owner or operator has under Title 54, Chapter 8a, Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law applicable to prescriptive rights or any other provision of law.

(5)(a) After the plat has been acknowledged, certified, and approved, the owner of the land shall, within the time period designated by ordinance, record the plat in the county recorder's office in the county in which the lands platted and laid out are situated.

10-9a-604. Subdivision plat approval procedure -- Effect of not complying.

(1) A person may not submit a subdivision plat to the county recorder's office for recording unless:

(a) the person has complied with the requirements of Subsection **10-9a-603(5)(a)**;

(b) the plat has been approved by:

(i) the land use authority of the municipality in which the land described in the plat is located; and

(ii) other officers that the municipality designates in its ordinance; and

(c) all approvals described in Subsection (1)(b) are entered in writing on the plat by the designated officers

(d) if the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.

(2) A subdivision plat recorded without the signatures required under this section is void.

(3) A transfer of land pursuant to a void plat is voidable by the land use authority.

17-27a-604. Subdivision plat approval procedure -- Effect of not complying.

(1) A person may not submit a subdivision plat to the county recorder's office for recording unless:

(a) the person has complied with the requirements of Subsection **17-27a-604(5)(a)**;

(b) the plat has been approved by:

(i) the land use authority of the:

(ii) (A) county in whose unincorporated area the land described in the plat is located; or

(iii)(B) mountainous planning district in whose area the land described in the plat is located; and

(iv) other officers that the county designates in its ordinance

(c) all approvals described in Subsection (1)(b) are entered in writing on the plat by designated officers; and

(d) if the person submitting the plat intends the plat to be or if the plat is part of a community association subject to Title 57, Chapter 8a, Community Association Act, the plat includes language conveying to the association, as that term is defined in Section 57-8a-102, all common areas, as that term is defined in Section 57-8a-102.

(2) An owner of a platted lot is the owner of record sufficient to re-subdivide the lot if the owner's platted lot is not part of a community association subject to Title 57, Chapter 8a, Community Association Act.

(3) A plat recorded without the signatures required under this section is void.

(4) A transfer of land pursuant to a void plat is voidable by the land use authority.

11. Easements

Existing easements of record within the boundaries, or appurtenant to the subdivision, are to be shown on the plat along with the recording information.

Public Utility Easements conveyed by plat. Public Utility Easements are best conveyed by a subdivision plat and may be shown graphically with or without their own specific legal description. The plat should include language in the owner's dedication that conveys a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities (see example under "Owner's Dedication and Consent to Record" on page 4 of this document).

Other Easements conveyed by plat. Other easements may be created by the plat, in which case the owner's dedication must be amended either: (a) to include general language such as, "The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon." This language allows other easements to be conveyed by the plat, while at the same time eliminating an excessively long owner's dedication

(see example under “Owner’s Dedication and Consent to Record” on page 4 of this document), or (b) to specifically address each easement being created by the owners when they sign the plat as part of the owner’s dedication. The dedication must specifically address the grantee(s) of each easement being conveyed and for what purposes the easement can be used.

Any other easements shown on the plat should specify to whom the easement is being conveyed, and for what purpose, i.e., “20 foot wide Storm Drain Easement hereby conveyed to (NAME OF CITY or COUNTY).

Easements may be conveyed by separate document. Some easements such as those for access, drainage, and other rights or easements associated with commercial subdivisions may be better conveyed by a separate document that is fully executed and recorded prior to or concurrent with recordation of the subdivision plat. These easements should be referenced by recording information on the final plat. These separately recorded easements can be released or modified without plat amendment. Maintenance, access, and other pertinent clauses can be more appropriately included on the easement document rather than on a subdivision plat.

Easements may be conveyed after recordation of the subdivision plat. In some instances, conveyance of certain easements may not be able to be recorded prior to recordation of the subdivision plat. In these situations, the subdivision plat should note those easements which are intended to be conveyed by separate documents after recordation of the final subdivision plat. However, this practice is discouraged and should be avoided, whenever possible.

12. Planned Unit Developments (P.U.D.) Plats

A Planned Unit Development (PUD) provides an alternative to the traditional approach to subdividing property. It allows the property owner the option to vary the jurisdiction’s subdivision requirements in exchange for open space, recreational amenities and a different overall design. It allows for the use of innovative methods and concepts not readily available under traditional subdivision and zoning methods. Typical examples may include reduced private street widths, reduced building setbacks, and reduced lot sizes in exchange for additional open space and other amenities.

A Planned Unit Development may be residential, commercial, office, industrial, or a combination thereof. Flexibility to suspend requirements imposed elsewhere is not conferred upon the PUD applicant as a matter of right, but is in all cases subject to a finding by the jurisdiction that the objectives of subdivision requirements are served.

The PUD is a mechanism used to subdivide lots or parcels for the purpose of separate ownership. In most jurisdictions, PUD’s are processed following the same platting procedures and requirements as a standard subdivision plat. When preparing a plat for a PUD it is important to revise the language of the surveyor’s certificate and owner’s dedication to reflect the intent of the Planned Unit Development.

Planned Unit Developments (PUDs) may include attached housing units/lot along with common ownership areas, Although PUDs are not specifically addressed in State Code, common or community area parcels are addressed in Utah Code **10-9a-606 and 17-27a-606**.

10-9a-606 and 17-27a-606. Common or community area parcels on a plat -- No separate ownership - Ownership interest equally divided among other parcels on plat and included in description of other parcels.

- (1) As used in this section:
 - (a) "Association" means the same as that term is defined in:
 - (i) regarding a common area, Section 57-8a-102; and
 - (ii) regarding a common area and facility, Section 57-8-3.
 - (b) "Common area" means the same as that term is defined in Section 57-8a-102.
 - (c) "Common area and facility" means the same as that term is defined in Section 57-8-3.
 - (d) "Declarant" means the same as that term is defined in:
 - (i) regarding a common area, Section 57-8a-102; and
 - (ii) regarding a common area and facility, Section 57-8-3.
 - (e) "Declaration," regarding a common area and facility, means the same as that term is defined in Section 57-8-3.
 - (f) "Period of administrative control" means the same as that term is defined in:
 - (i) regarding a common area, Section 57-8a-102; and
 - (ii) regarding a common area and facility, Section 57-8-3.
- (2) A person may not separately own, convey, or modify a parcel designated as a common area or common area and facility, on a plat recorded in compliance with this part, independent of the other lots, units, or parcels created by the plat unless:
 - (a) an association holds in trust the parcel designated as a common area for the owners of the other lots, units, or parcels created by the plat; or
 - (b) the conveyance or modification is approved under Subsection (5).
- (3) If a conveyance or modification of a common area or common area and facility is approved in accordance with Subsection (5), the person who presents the instrument of conveyance to a county recorder shall:
 - (a) attach a notice of the approval described in Subsection (5) as an exhibit to the document of conveyance; or
 - (b) record a notice of the approval described in Subsection (5) concurrently with the conveyance as a separate document.
- (4) When a plat contains a common area or common area and facility:
 - (a) for purposes of assessment, each parcel that the plat creates has an equal ownership interest in the common area or common area and facility within the plat, unless the plat or an accompanying recorded document indicates a different division of interest for assessment purposes; and
 - (b) each instrument describing a parcel on the plat by the parcel's identifying plat number implicitly includes the ownership interest in the common area or common area and facility, even if that ownership interest is not explicitly stated in the instrument.
- (5) Notwithstanding Subsection (2), a person may modify the size or location of or separately convey a common area or common area and facility if the following approve the conveyance or modification:
 - (a) the local government;
 - (b) (i) for a common area that an association owns, 67% of the voting interests in the association; or
 - (ii) for a common area that an association does not own, or for a common area and facility, 67% of the owners of lots, units, and parcels designated on a plat that is subject to a declaration and on which the common area or common area and facility is included; and
 - (c) during the period of administrative control, the declarant.

13. Subdivision Amendments.

The requirements for amending, vacating or altering a subdivision plat are outlined in **Utah Code 10-9a-608 and 17-27a-608**.

- (1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to request a subdivision amendment.
 - (b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 10-9a-603 [17-27a-603] that:
 - (i) depicts only the portion of the subdivision that is proposed to be amended;
 - (ii) includes a plat name distinguishing the amended plat from the original plat;
 - (iii) describes the differences between the amended plat and the original plat; and
 - (iv) includes references to the original plat.
 - (c) If a petition is filed under Subsection (1)(a), the land use authority shall provide notice of the petition by mail, email, or other effective means to each affected entity that provides a service to an owner of record of the portion of the plat that is being vacated or amended at least 10 calendar days before the land use authority may approve the petition for a subdivision amendment.
 - (d) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:
 - (i) any owner within the plat notifies the municipality of the owner's objection in writing within 10 days of mailed notification; or
 - (ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.
- (2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(d) does not apply and a land use authority may consider at a public meeting an owner's petition for a subdivision amendment if:
 - (a) the petition seeks to:
 - (i) join two or more of the petitioner fee owner's contiguous lots;
 - (ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;
 - (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;
 - (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
 - (v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - (A) owned by the petitioner; or
 - (B) designated as a common area; and
 - (b) notice has been given to adjacent property owners in accordance with any applicable local ordinance.
 - (3) A petition under Subsection (1)(a) that contains a request to amend a public street or municipal utility easement is also subject to Section 10-9a-609.5 [17-27a-609.5].
 - (4) A petition under Subsection (1)(a) that contains a request to amend an entire plat or a portion of a plat shall include:
 - (a) the name and address of each owner of record of the land contained in the entire plat or on that portion of the plat described in the petition; and

- (b) the signature of each owner described in Subsection (4)(a) who consents to the petition.
- (5)(a) The owners of record of adjacent parcels that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b).
 - (b) The land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.
 - (c) If an exchange of title is approved under Subsection (5)(b):
 - (i) a notice of approval shall be recorded in the office of the county recorder which:
 - (A) is executed by each owner included in the exchange and by the land use authority;
 - (B) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and
 - (C) recites the descriptions of both the original parcels and the parcels created by the exchange of title; and
 - (ii) a document of conveyance shall be recorded in the office of the county recorder.
 - (d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required in order to record a document conveying title to real property.
- (6)(a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).
 - (b) The surveyor preparing the amended plat shall certify that the surveyor:
 - (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
 - (ii) has completed a survey of the property described on the plat in accordance with Section 17-23-17 and has verified all measurements; and
 - (iii) has placed monuments as represented on the plat.
 - (c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision in a plat already recorded in the county recorder's office.
 - (d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

An amended plat contains the same elements as a regular subdivision plat such as a surveyor's certificate and owner's dedication. Amendments and vacations to recorded subdivisions may include public streets, easements and other dedications or conveyances. When preparing an amended plat the language of the surveyor's certificate and Owner's Dedication and Consent to Record will be revised to reflect the intent of the plat amendment. Only the owners of property within the boundaries of the property depicted and described on the amended plat shall be required to sign the amended plat under the Owner's Dedication and Consent to Record.

Amended plat naming convention: Amended plats should avoid the use of overly inclusive naming conventions. For example, when amending lots 105 and 106 in Happy Valley Subdivision Phase 1 (a 20 lot subdivision), the name "Happy Valley Subdivision Phase 1 Amended" would be overly inclusive, whereas "Happy Valley Subdivision Phase 1, Lots 105 and 106 Amended" would specifically define the amendment. This convention also allows further amendments within the same plat while avoiding the use of names such as "Happy Valley Subdivision Phase 1 Amended, 2nd Amended, 3rd Amended, etc." Alternatively, an amended plat may be given an entirely different name which includes reference to the portions of the plat to be

amended, for example, "Sad Mountain Subdivision (Amending Lots 116 -120 of Happy Valley Subdivision)."

Public Vacations are the governing agency's formal vote to abandon a public's interest or ownership in real property. Public dedications typically have a reversionary interest. When land dedicated for parks, open space or other public spaces are vacated the interest or fee title reverts to the original owner or their successors. Dedicated public streets will typically revert to the owner of the abutting property to which it was attached when the dedication was executed.

72-5-105. Highways, streets, or roads once established continue until abandoned -- Temporary closure.

(1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads once established shall continue to be highways, streets, or roads until formally abandoned or vacated by written order, resolution, or ordinance resolution of a highway authority having jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has been duly recorded in the office of the recorder of the county or counties where the highway, street, or road is located.

(2)(a) For purposes of assessment, upon the recordation of an order executed by the proper authority with the county recorder's office, title to the vacated or abandoned highway, street, or road shall vest to the adjoining record owners, with one-half of the width of the highway, street, or road assessed to each of the adjoining owners.

(b) Provided, however, that should a description of an owner of record extend into the vacated or abandoned highway, street, or road that portion of the vacated or abandoned highway, street, or road shall vest in the record owner, with the remainder of the highway, street, or road vested as otherwise provided in this Subsection (2).

(c) Title to a highway, street, or road that a local highway authority closes to vehicular traffic under Subsection (3) or (7) remains vested in the city.

The requirements for vacating streets, rights-of-way, or easements are outlined in **Utah Code 10-9a-609.5 and 17-27a-609.5**. Streets, rights-of-way, or easements may be vacated by passage of an ordinance when it is determined that the vacation is for good cause and that the public interest will not be materially injured. A copy of the vacating ordinance or a plat reflecting the vacation is recorded in the title record. The vacating action of the legislative body operates as a revocation of the acceptance and the relinquishment of the municipality's fee in the vacated portion of the street, right-of-way or easement. The vacation does not impair any right-of-way or easement of any lot owner or the franchise rights of any public utility.

Although streets or portions of streets may be vacated by an ordinance, there are occasions when adequately describing the area to be vacated is difficult to describe clearly with an ordinance. In those situations an amended plat may still be the preferred method. Authorized signature(s) by the public agency vacating the public dedication are required and the Owner's Dedication and Consent to Record should be revised accordingly.

Plat Corrections: When an existing recorded plat is discovered to contain errors which fail to conform with the owner's intended purpose due to surveying or scrivener's errors, the plat may be corrected as provided in Section **10-9a-609(6)** or **17-27a-609(6)** and in conformance with Section **57-3-106**. Minor typographical or clerical errors may be corrected by recording an affidavit or other appropriate instrument typically in the form of a Surveyor's Affidavit or an Owner's Affidavit. The affidavit should explain the nature of the error and its correction in a

manner that clearly indicates the extent of the correction. Graphical exhibits depicting the correction are encouraged.

More extensive corrections may require the preparation of a Corrected Plat which should be re-executed and re-recorded by all parties who executed the original document. Corrections are limited to assure conformance with the original intent of the parties and may not be used to alter, amend or change the recorded plat from the original intent. The purpose of the correction is to relate back to the original document, to reform the language of that document, and to bring the document into conformance with the original intention of the parties. All documents which refer to the original document are construed as incorporating the corrected document.

14. Checklist

See Appendix A

Utah Council of Land Surveyors Final Plat Requirements Checklist

- Plat name shall include approved [Name (Phase No.) (Minor) (Sub/PUD/Condo) (Prior Plat Lot(s)/Unit(s) Amended)].
 - Along with the official plat name include the following plat(s), street(s), lot(s), and/or unit(s) being vacated and/or amended), 1/4 Section, Section, Township and Range, and the name of the governing agency. Subdivision name is to be distinct from any name on a plat recorded in the county recorder's office [10-9a-603(1)(a), 17-27a-603(1)(a)].
- Plat to be signed, sealed, and certified by a Professional Land Surveyor (PLS).
 - Plat plotted on a 24"x 36" sheet(s) with a north arrow, and both written & graphic scales.
 - Legend required for all symbols and line types depicted.
- Exterior boundary to agree with existing or proposed division lines as depicted on filed or approved Record of Survey ROS Map(s) (17-23-17).
 - Exterior boundary clearly defined (heavy line) with POB, lines, and curves labeled.
 - Boundary tied spatially to at least two existing (found) clearly described (with date stampings) PLSS monuments or other monuments of record. Basis of bearings (B of B) identified between two PLSS monuments or other found monuments of record.
 - Written legal description to agree with exterior boundary labels, ties to monuments, and Basis of Bearing.
 - Show recording information for adjoining plats of record and to vesting documents for adjoining parcels.
 - Plat boundary checked spatially for harmony with legal descriptions for adjoining parcels and plats.
 - Review narrative on filed and/or approved ROS Map(s) for an explanation of found evidence or deed elements used to reestablish or retrace each existing division line (not free lines) on the exterior boundary.
 - Exterior boundary angle points on existing division lines shall be recovered or set.
- Connecting or abutting streets to agree with streets as depicted on recorded subdivision or road dedication plats.
 - Centerlines and widths of all existing streets (within 200 feet of exterior boundary) clearly defined with line, curve, and offset labels, also identify and show dimensions to any existing (found) street monuments.
 - Review narrative on ROS Map(s) for an explanation of retracement of existing street rights-of-way.
 - Proposed changes to existing street rights-of-way shown per governing agency's written approval.
- Existing easements of record, evidence of possible prescriptive easements, and proposed easements to be shown on plat.
 - Review title report for any reference to existing easements.
 - Existing easements are to be depicted graphically on the plat along with references to their instrument(s) of record or to ROS map(s) asserting any observed evidence of possible unrecorded, statutory, or prescriptive easements, said easements are to be clearly defined with line and curve labels, centerline offsets, and dimensions to future ownership interest lines (with some exception).
 - Public utility easements to be shown along with any other easements as may be required.
- Owner's dedication and consent to record to include operative language per governing agency.
 - Owners dedication to include specific conveyance language (who it is in favor of) and declared purpose for each particular easement type created by the plat.
- Interior streets, lots, and easements to be adequately labeled with necessary line, curve, and offset dimensions.
 - Boundary, street, lot or unit figures to close mathematically.
 - Check that the total area of the exterior boundary is equal to the sum of the interior streets and lots/units areas.
 - Lot or unit reference, block or building reference, street or site address, street name and coordinate address, acreage or square footage for all parcels, units, or lots, and length and width of the blocks and lots intended for sale [10-9a-603(1)(c), 17-27a-603(1)(c)]. Names required for non-linear streets (may not duplicate existing street names within the County).
- Street monuments (to be set) depicted at street centerline intersections and at radius points of cul-de-sacs, and inter-visibly along street rights-of-way corridors on curve PIs (if within asphalt), PCs, PTs, or Midpoints.
 - Consecutive monument connecting lines defined with monument to monument bearings and distances.
- Plat Notes to include:
 - 5/8" x 24" rebar with survey cap to be placed at all lot corners. Cap shall include the business name or "P.L.S." followed by the license number of the surveyor in charge. Off-set pins to be placed in the top of the curb where applicable, in lieu of rebar and cap at front corners.
 - Other notes as deemed necessary by surveyor, or as required governing agency.
- Approval blocks and miscellaneous requirements per governing agency (10-9a-604, 17-27a-604).